"nucleic acid molecule" from claims 32 and 51 without prejudice in order to conform the claims to the alleged invention group IX which is elected with traverse hereinbelow. Applicants maintain that these amendments raise no issue of new matter.

Markush Claims

The Examiner stated that claims 32 and 51 are improper Markush claims because the multiple elements recited therein are peptides, inorganic chemicals and nucleic acids which do not share a common technical feature which is based on a common property or special technical feature not found in the prior art.

In response, applicants have amended claims 32 and 51 to recite only the subject matter which is the subject matter of alleged invention group IX which is elected hereinbelow with traverse. Applicants have deleted the terms "antibody," "inorganic chemical" and "nucleic acid" without prejudice to applicants' right to puruse this subject matter in a future continuation or divisional application. Applicants respectfully request that the Examiner reconsider and withdraw this ground of objection.

Election/restriction

The Examiner required restriction to one of the following allegedly independent and distinct inventions under 35 U.S.C. §121:

I. Claims 10-14, drawn to a host cell with a vector comprising an isolated nucleic acid molecule encoding EN-RAGE peptide.

II. Claims 15-16, drawn to a pharmaceutical composition comprising an EN-RAGE peptide.

III. Claim 17, drawn to an antibody which specifically binds with EN-RAGE peptide.

IV. Claim 18, drawn to a ribozyme which is capable of specifically cleaving EN-RAGE mRNA in a cell.

V. Claim 19-25, drawn to a transgenic nonhuman mammal whose germ or somatic cells contains a nucleic acid molecule which encodes EN-RAGE peptide introduced into the mammal or an ancestor at an embryonic stage.

VI. Claims 26-43, 69, drawn to a method for determining whether a compound is capable of inhibiting the interaction between EN-RAGE peptide and a RAGE peptide.

VII. Claims 44-46, drawn to a composition that inhibits the interaction of EN-RAGE useful for the suppression of inflammation in a subject.

VIII. Claims 47-48, 50-52, 54-68, drawn to a method of inhibiting inflammation in a subject which comprises administering to the subject an anti-EN-RAGE antibody capable of interfering with the interaction between EN-RAGE peptide and its receptor.

IX. Claims 47, 49-51, 54-68, drawn to a method for inhibiting inflammation in a subject which comprises administering to the subject a peptide capable of interfering with the interaction between EN-RAGE peptide and its receptor.

X. Claims 47,50-51,53-68, drawn to a method for inhibiting inflammation in a subject which comprises administering to the subject a nucleic acid molecule capable of

interfering with the interaction between EN-RAGE peptide and its receptor.

The Examiner stated that inventions I,II,III,IV,V, and VII are independent and distinct, each from the other, because they are products which possess characteristic differences in structure and function and each has an independent utility, that is distinct for each invention which cannot be exchanged. The Examiner stated that the nucleic acid of Group I can be used to make a hybridization probe or can be used in gene therapy as well as in the production of EN-RAGE protein. The Examiner stated that the pharmaceutical composition of Group II can be used other than to make the antibody of Group III, such used as a probe, or used therapeutically or diagnostically (e.g. in screening). The Examiner stated that although the antibody of Group III can be used to obtain the nucleic acid or Group I, it can also be used in diagnostics (e.g. as a probe in immunoassay, or in immunochromatography) or it may be used therapeutically. The Examiner stated that the ribozyme of Group IV can be used to inhibit the expression of mRNA, and the transgenic nonhuman mammal of Group V can be used to produce large quantities of the protein of interest, however, they are structurally and functionally different each from the other and each from Groups I-II.

The Examiner stated that inventions III and VII are related as product and process of use. The Examiner stated that the antibody of Group III as claimed can be used in diagnostics (e.g. as a probe in immunoassays, or in immunochromatography).

The Examiner stated that Inventions III and VI, IX-X are unrelated inventions. The Examiner stated that in the instant case the antibody of Group III, is neither used nor produced in the methods of Groups VI, IX-X. The Examiner stated that the ribozyme of Group

IV, the transgenic nonhuman mammal of Group V and the composition of Group VII are neither used nor produced in the methods of Groups VI, VIII-X.

Finally, the Examiner stated that inventions VI, VIII-X are independent and distinct, each from the other, because the methods are practiced with materially different process steps for materially different purposes and each method requires a non-coextensive search because of different starting materials, process steps and goals.

In response, applicants traverse the restriction requirement and respectfully request that the Examiner to consider applicants' argument hereinbelow and modify the restriction requirement to include Groups VIII, IX and X as a single invention for examination on the merits. **Furthermore, applicants elect with traverse Group IX, desirably with Groups VIII and X for examination.**

Groups VIII, IX and X are drawn to methods of inhibiting inflammation in a subject which methods comprise administering to the subject a compound capable of interfering with the interaction between EN-RAGE peptide and receptor for advanced glycation endproduct (RAGE) in the subject thereby inhibiting inflammation in the subject. Applicants maintain that there would not be an undue burden on the Examiner to search these three groups of claims together since the method is identical except for the compound being an anti-EN-RAGE or anti-RAGE antibody, a nucleic acid or a peptide that inhibits the interaction between RAGE and EN-RAGE. The search for such compounds would necessarily overlap. For example, such compounds would include an active fragment of RAGE or an antisense nucleic acid molecule specific for the mRNA ribonucleic acid sequence which encodes the RAGE protein. Applicants submit that such a search would not be an undue burden

for the Examiner and in the interests of compact prosecution, applicants respectfully request that groups VIII, IX and X be joined for examination on the merits.

Sequence Listing

The Examiner indicated that this application fails to comply with the requirements of 37 CFR §1.821 through §1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.

In response, applicants submit a copy of the Notice to Comply with Requirements as **Exhibit A**. Applicants also submit herewith a Sequence Listing attached hereto as **Exhibit B** in compliance with the requirements of 37 C.F.R. §1.824. In addition, applicants submit herewith a computer readable copy of the Sequence Listing on the enclosed computer diskette, which has the same content as the paper copy attached as **Exhibit B**. Applicants submit as **Exhibit C**, a Statement in accordance with 37 C.F.R. §1.821(f) certifying that the computer readable form containing the nucleic acid and/or amino acid sequences required by 37 C.F.R. §1.821(f) and submitted in connection with the above-identified application, has the same information which is submitted herewith as **Exhibit B** entitle "Sequence Listing".

Thus, applicants maintain that the application now complies with the requirements of 37 C.F.R. §1.824 and request that the Examiner withdraw this objection.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number

provided below.

No fee other than the $435.00 three-month extension of time fee, is deemed necessary in connection with the filing of this Amendment. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:
Assistant Commissioner for Patents
Washington, D.C. 20231

8/16/99
John P. White Date
Reg. No. 28,678